ARKANSAS COURT OF APPEALS
NOT DESIGNATED FOR PUBLICATION
JOHN MAUZY PITTMAN, CHIEF JUDGE

DIVISION I

CACR06-573

March 14, 2007

WILLIE WELLS, III APPELLANT	APPEAL FROM THE CRITTENDEN COUNTY CIRCUIT COURT [NO. CR-2005-275]
V.	HON. CHARLES DAVID BURNETT, JUDGE
STATE OF ARKANSAS APPELLEE	AFFIRMED

The appellant pled guilty in July 2005 to the Class Y felony of possession of a controlled substance with intent to deliver, for which imposition of sentence was suspended for a period of six years. Later in 2005, the State filed a petition to revoke appellant's suspension on the grounds that he violated the conditions thereof by willful failure to pay court-ordered fines and costs, by possession of crack cocaine, and by committing a third-degree battery on a police officer. After a hearing, the trial court found that appellant had violated his suspension in all three of the manners alleged by the State, revoked his suspension, and sentenced him to ten years' imprisonment on the Class Y possession conviction. For reversal, appellant contends that the evidence was insufficient to support the

revocation because the crack cocaine he possessed, and for which his suspension was revoked, was discovered by virtue of an illegal search. Appellant also contends that his revocation should be reversed and dismissed because the trial court lacked authority to order a six-year suspended imposition of sentence for a Class Y felony. We affirm.

First, appellant's sufficiency argument fails because he attacks only one of the grounds upon which the revocation of his suspension was based, effectively abandoning any argument that he also violated the conditions of his suspension by willful failure to pay fines and by committing battery on a police officer. Where the trial court expressly bases its decision on multiple independent grounds and appellant challenges only one on appeal, we will affirm without addressing any. *See Pugh v. State*, 351 Ark. 5, 89 S.W.3d 909 (2002).

Second, we find no merit in appellant's argument that his revocation should be reversed and dismissed because the sentence imposed for his initial conviction was invalid. Appellant asserts that a six-year suspended imposition of sentence is not an authorized disposition for a Class Y felony, *see* Ark. Code Ann. § 5-4-401(a)(1) (Repl. 2006) (setting range of punishment for Class Y felony as ten to forty years), and that his revocation should be reversed and dismissed. However, the remedy for an illegal sentence is not dismissal of all related proceedings in the trial court and release from imprisonment but is instead remand to the trial court for resentencing. *Renshaw v. Norris*, 337 Ark. 494, 989 S.W.2d 515 (1999). Furthermore, where an error has nothing to do with the issue of guilt or innocence and relates only to punishment, it may be corrected on appeal in lieu of reversing and remanding. *Bangs*

v. State, 310 Ark. 235, 835 S.W.2d 294 (1992). Thus, at the very most, the only relief to which appellant would be entitled would be correction of the original order to reflect a ten-year period of suspended imposition. However, to do so would be pointless because the shorter suspension has *already* been revoked and cannot be revoked again. The issue is therefore moot.

Affirmed.

HART and BIRD, JJ., agree.